

1 **REMARKS**

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3 At the time of the First Office Action dated September 4, 2007, claims 1-16 were pending

4 and rejected in this application.

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6 On page 2 of the First Office Action, the Examiner objected to claims 8-9 and 12-13. In

7 response, Applicant has amended the claims in the manner suggested by the Examiner.

8

9 **CLAIMS 1-7 ARE REJECTED UNDER 35 U.S.C. § 101**

10 On pages 2 and 3 of the First Office Action, the Examiner asserted that the claimed

11 invention, as recited in claims 1-7, is directed to non-statutory subject matter. This rejection is

12 respectfully traversed.

13

14 Regarding independent claim 4, the Examiner asserted the following on page 3 of the

15 First Office Action:

16 Independent claim 4 is drawn towards a system comprising an application framework, a

17 first view and access checking logic to omit a linkage. This is just an abstract idea can be written

18 in a Computer programming code. In order for an abstract Claim to be statutory, it must result in

19 useful, concrete, and tangible results. The final result achieved by the claimed invention does not

20 produce any tangible result.

21

22 The Examiner's analysis is flawed. Specifically, the Examiner has mischaracterized the claimed

23 invention. Specifically, claim 4 is directed to a system, i.e., a device. Therefore, claim 4 is not

24 directed to an abstract idea.

25

26 Claim 4, in part, recites "access checking logic ... programmed to omit said linkage." In

27 this regard, Applicant notes that a significant difference exists between software, per se, a device

that is programmed to perform a specific function. Software alone cannot be programmed to perform a function. On the contrary, the claimed invention includes a functional element.

The Examiner is directed to the recent decision of the Federal Circuit of In re Comiskey.¹ Although the Court held that several claims were directed to non-statutory subject matter, the Court determined that other of the claims were directed to statutory subject matter. In determining the latter, the Court stated the following:

These claims, under the broadest reasonable interpretation, could require the use of a computer as part of Comiskey's arbitration system. (emphasis added)

Thus, the Court determined that the claims are not required to necessarily include or require a computer. Instead, the Court concluded that the claims meet the requirements of 35 U.S.C. § 101 if, under a broadest reasonable interpretation, the claims could require the use of statutory subject matter (e.g., a computer, a device, a product, etc.).

Applying the logic of this decision to claim 4, it is readily apparent that the claimed access checking logic could require the use of a computer to be functional. Thus, under the logic enunciated by the Federal Circuit, the subject matter of claim 4 is statutory under 35 U.S.C. § 101. Applicant, therefore, respectfully solicits withdrawal of the imposed rejection of claims 4-7 under 35 U.S.C. § 101.

CLAIMS 4 AND 6-16 ARE REJECTED UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON BAZINET ET AL., U.S. PATENT PUBLICATION NO. 2003/0167298 (HEREINAFTER

¹ Appeal No. 2006-1286.

BAZINET), IN VIEW OF VASANDANI ET AL., U.S. PATENT NO. 6,985,946 (HEREINAFTER

VASANDANI)

On pages 6-11 of the First Office Action, the Examiner asserted that one having ordinary skill in the art would have been impelled to modify Bazinet in view of Vasandani to arrive at the claimed invention. This rejection is respectfully traversed.

Claim 4

Independent claim 4 is directed to the concept that a first view includes a linkage to a second view and that access checking logic omits the linkage when an end user, who is accessing the first view, is not authorized to access the second view. Additionally, as recited in claim 17, the linkage is displayed when the end user is authorized to access the second view. Independent claims 8, 12, and 16 are directed to similar concepts.

To teach the claimed first view, the Examiner identified feature 502 in Figure 5. Regarding the claimed "linkage to a second view" the Examiner asserted "linkage to the backend applications 126 in figure 1." Applicant, however, is unclear what teaching within Bazinet identically discloses the "second view." Applications are not necessarily views. Thus, the Examiner has failed to establish that Bazinet explicitly teaches the limitation for which the Examiner is relying upon Bazinet to teach.

Regarding the claimed "access checking logic disposed in said first view and programmed to omit said linkage, the Examiner merely stated "no access." In this regard, Applicant is entirely unclear how Bazinet teaches the specifically claimed limitations. A user

1 having "no access" does not necessarily require that the linkage is omitted. Moreover, the
2 Examiner has failed to establish that the access checking logic is disposed in the first view.
3 Without the Examiner more clearly explaining the Examiner's analysis, Applicant cannot agree
4 with the Examiner's assertion that Bazinet teaches these limitations.

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6 On page 7 of the First Office Action, the Examiner asserted the following:

7 It would have been obvious for one of ordinary skill in the art at the time of the invention
8 to modify Bazinet to include the method of role based security access as taught by Vasandani in
9 order to efficiently control security access by the user's roles predefined.

10
11 It is readily apparent that the Examiner has failed to consider the claimed invention, as a whole.
12 The Examiner's assertion that it would have been obvious to include role based security access
13 has no apparent relationship to whether or not linkage is omit in a first view, as claimed. In this
14 regard, the Examiner has not explained why one having ordinary skill in the art would employ
15 role based security access to this function. Moreover, Bazinet already teaches that the user is
16 authenticated. In this regard, the Examiner has not explained why one having ordinary skill in
17 the art would modify Bazinet "to efficiently control security access" when security access has
18 already been taught as being controlled by Bazinet.

19
20 Therefore, for the reasons stated above, even if one having ordinary skill in the art were
21 impelled to modify Bazinet in view of Vasandani, the claimed invention would not result.

22
23 Claims 8 and 12

24 Regarding claims 8 and 12, the Examiner relied extensive upon Fig. 4 of Bazinet. For
25 example, regarding the claimed "processing said selected view to identify a method call to access
26 checking logic," the Examiner cited steps 422-434 in Fig. 4. However, these steps do not

"identify a method call to access checking logic," as claimed. Instead, as described in paragraph [0042], the user has already been authenticated (see steps 408-414).

Claims 8 and 12 recite "disposing a link to said different view." However, as discussed above with regard to claim 1, Applications are not necessarily views. Thus, the Examiner has failed to establish that Bazinet explicitly teaches the limitation for which the Examiner is relying upon Bazinet to teach.

Claim 16

Similar to claims 4, 8, and 12, independent claim 16 recites "to conditionally incorporate a link to a specific view." However, Bazinet does not teach incorporating a link to a specific view. Instead, Bazinet teaches incorporating links to a specific view. Thus, the Examiner has failed to establish that Bazinet explicitly teaches the limitation for which the Examiner is relying upon Bazinet to teach.

Applicant, therefore, respectfully submits that the imposed rejection of claims 4 and 6-16 under 35 U.S.C. § 103 for obviousness based upon Bazinet in view of Vasandani is not factually or legally viable and, hence, solicits withdrawal thereof.

**CLAIM 5 IS REJECTED UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON BAZINET
IN VIEW OF VASANDANI AND FURTHER IN VIEW OF SCHENK, U.S. PATENT PUBLICATION NO.
2006/0004887**

On pages 11 and 12 of the First Office Action, the Examiner concluded that one having ordinary skill in the art would have been impelled to modify Bazinet in view of Vasandani and Schenk to arrive at the claimed invention. This rejection is respectfully traversed.

Claim 5 depends from independent claim 4, and Applicant incorporates herein the arguments previously advanced in traversing the imposed rejection of claim 1 under 35 U.S.C. § 103 for obviousness based upon Bazinet and Vasandani. The tertiary reference to Schenk does not cure the argued deficiencies of the combination of Bazinet and Vasandani. Accordingly, even if one having ordinary skill in the art were motivated to modify the combination of Bazinet and Vasandani in view of Schenk, the proposed combination of references would not yield the claimed invention. Applicant, therefore, respectfully submits that the imposed rejection of claim 5 under 35 U.S.C. § 103 for obviousness based upon Bazinet in view of Vasandani and Schenk is not viable, and hence, Applicant solicits withdrawal thereof.

Applicant has made every effort to present claims which distinguish over the prior art, and it is believed that all claims are in condition for allowance. However, Applicant invites the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. Accordingly, and in view of the foregoing remarks, Applicant hereby respectfully requests reconsideration and prompt allowance of the pending claims.

Although Applicant believes that all claims are in condition for allowance, the Examiner is directed to the following statement found in M.P.E.P. § 706(II):

When an application discloses patentable subject matter and it is apparent from the claims and the applicant's arguments that the claims are intended to be directed to such patentable subject matter, but the claims in their present form cannot be allowed because of defects in form or omission of a limitation, the examiner should not stop with a bare objection or rejection of the claims. The examiner's action should be constructive in nature and when possible should offer a definite suggestion for correction. (emphasis added)

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 09-0461, and please credit any excess fees to such deposit account.

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Respectfully submitted,

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